

Water Right Enforcement Authority

A report to the State Water Resources Control
Board and
the Delta Stewardship Council

September 19, 2012

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Enforcement Statutes: Water Quality (WQ) vs Water Rights (WR)

- WQ Enforcement Statutes: Strong
- WR Enforcement Statutes: Weak
- Both programs should be similar
 - Water Diversions
 - Waste Discharges

Weaknesses of WR's Enforcement Statutes

- Investigation Authority
- Authority to require monitoring reports
- Process cumbersome
 - Service of process
 - Permit/License Term Violations: 2 steps
 - Unreasonable Use Cases: 3 steps
- No direct penalties for failure to file required reports
 - Compare to Failure to file Diversions Statements



Delta Vision Recommendations

- Recognized deficiencies
- Recommended improvements

Specific Recommendations

- Service of process
- Investigative Authority
- Authority to require monitoring reports
- Broader ACL Authority
 - Failure to File Reports
 - Unreasonable Use Cases
 - Permit/License Permit Term Violations
- Other